

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

AMY PETERSEN,

Plaintiff,

V.

**ORCHARD VILLAGE APARTMENTS,
ORCHARD VILLAGE, LLC, ORCHARD
VILLAGE APARTMENT HOMES, LLC, a
Nebraska Limited Liability Company,
ORCHARD AVENUE APARTMENTS, LLC,
a Nebraska Limited Liability Company,
MARINE BANK, a federal savings bank,
MATT GRONSTALL, TRUSTEE, NP
DODGE MANAGEMENT COMPANY
INC. AND JOHN DOES 1-10,**

CASE NO. 8:07CV300

**ORDER TO PLAINTIFF
TO SUPPLEMENT ITS
JURISDICTIONAL STATEMENT
TO ENSURE DIVERSITY
OF PARTIES**

Defendants.

This matter is before the Court on its own motion. A review of the file shows that Defendants, Orchard Village, LLC, Orchard Village Apartment Homes, LLC, and Orchard Avenue Apartments, LLC, are Limited Liability Companies. The Court has an obligation to ensure that subject matter jurisdiction exists. *See Sanders v. Clemco Industries*, 823 F.2d 214, 216 (8th Cir. 1987) (“The threshold requirement in every federal case is jurisdiction and we have admonished the district court to be attentive to a satisfaction of jurisdiction requirements in all cases.”). It is the plaintiff’s burden to plead the citizenship of the parties in attempting to invoke diversity jurisdiction. *See Walker v. Norwest Corp.*, 108 F.3d 158, 161 (8th Cir. 1997); Fed. R. Civ. P. 8(a)(1).

It is the citizenship of a Limited Liability Company's members - not the state in which the company was formed - that is relevant for purposes of establishing diversity jurisdiction.

See GMAC Commercial Credit LLC v. Dillard Dept. Stores, Inc., 357 F.3d 827, 828-29 (8th

Cir. 2004). Thus, to establish diversity, the plaintiff must allege the citizenship of each member of the Defendants, Orchard Village, LLC, Orchard Village Apartment Homes, LLC, and Orchard Avenue Apartments, LLC, and must show that no such member is a citizen of the state of which the Plaintiff is a citizen. See *Capitol Indemnity Corp. v. Russellville Steel Co, Inc.*, 367 F.3d 831, 835 (8th Cir. 2004) (discussing requirement of complete diversity).

IT IS ORDERED that:

1. Plaintiff is directed to file a Supplementary Statement of Jurisdiction, on or before April 28, 2008, listing the citizenship of each member of Orchard Village, LLC, Orchard Village Apartment Homes, LLC, and Orchard Avenue Apartments, LLC, to demonstrate complete diversity of the parties and to ensure this Court's subject matter jurisdiction.

DATED this 14th day of April, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge